

BILL ANALYSIS

Senate Research Center

C.S.H.B. 2337
By: Goolsby (Shapiro)
Business & Commerce
5/11/2001
Committee Report (Substituted)

DIGEST AND PURPOSE

Landscape architects are regulated by the Texas Board of Architectural Examiners (board) under a state title act. Under current law, unqualified individuals are prohibited from representing themselves as a landscape architect, but they may perform some of the same work as a landscape architect.

C.S.H.B. 2337 redefines the term "landscape architecture," specifies to whom the term does not apply, and sets forth provisions for what design acts a landscape designer or nurseryman is authorized to perform without a certificate of registration as a landscape architect issued by the board.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 1(b), Chapter 457, Acts of the 61st Legislature, Regular Session, 1969 (Article 249c, V.T.C.S.), to redefine "landscape architecture."

SECTION 2. Amends Section 2, Chapter 457, Acts of the 61st Legislature, Regular Session, 1969 (Article 249c, V.T.C.S.), as follows:

Sec. 2. New heading: PRACTICE OF LANDSCAPE ARCHITECTURE; ACCEPTANCE OF ASSIGNMENTS. (a) Prohibits a person from engaging in the practice of landscape architecture unless the person holds a certificate of registration under this article or the person meets certain requirements.

(b) Prohibits a person described by Subsection (a) from using the term "landscape architect," "landscape architectural," "landscape architecture," or any similar term, to describe the person or the services the person provides unless the person holds a certificate of registration under this article.

(c) Prohibits a landscape architect from accepting an assignment to engage in the practice of landscape architecture unless the landscape architect is qualified by education, examination, or experience to adequately and competently perform the assignment or the part of the assignment for which the landscape architect is not qualified is to be performed by persons who are qualified, if the landscape architect is not qualified to perform that part of the assignment.

SECTION 3. Amends Section 5(a), Chapter 457, Acts of the 61st Legislature, Regular Session, 1969 (Article 249c, V.T.C.S.), to delete language regarding representation as a landscape architect without a certificate.

SECTION 4. Provides that the legislature intends that this Act does not prohibit a building designer, landscape contractor, landscape contractor, landscape designer, or nurseryman from performing any

actions which each person had the authority to perform as of May 28, 2001.

SECTION 5. Provides that the provisions of this Act are not severable and would not have been enacted without the others. Provides that if any provision of this Act is invalid, each provision is invalid.

SECTION 6. Effective date: September 1, 2001.